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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
10519-1167 (MSA-0019-2-US)

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Typed or printed name   Scott W. Brim_____

Application Number	Filed
10/089,188	July 2, 2002

First Named Inventor	
Dov Moran	

Art Unit	Examiner
3691	Tinkler, Muriel S.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number   51,500

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

/Scott W. Brim/
_____
Signature

Scott W. Brim
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Typed or printed name

312-321-4200
_____
Telephone number

January 17, 2012
_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒   *Total of ____1____ forms are submitted.

Our Case No. 10519/1167 (MSA-0019-2-US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
	)
Dov Moran, et al.	)
	) Examiner: Tinkler, Muriel S.
Serial No.: 10/089,188	)
	) Group Art Unit No.: 3691
Filing Date: July 2, 2002	)
	) Confirmation No.: 4688
For: Removable, Active, Personal Storage	)
Device, System and Method	)
	)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

I.   Introduction

Claims 1, 4, 6-17, 51, 52, and 54 are pending in the application. In the Office
Action dated Sept. 14, 2011, the Examiner rejected claims 1, 4, 6-9, 12, 14-17, 51, 52,
and 54 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,280,527
("Gullman") in view of U.S. Pat. No. 6,014,666 ("Helland") and rejected claims 10, 11,
and 13 under 35 U.S.C. § 103(a) as being unpatentable over Gullman in view of Helland
and U.S. Pat. No. 5,805,719 ("Pare"). Applicants request review of the final rejections.

II.   Rejection of claims 1, 4, and 6-17 Under 35 U.S.C. § 103(a)

Independent claim 1 generally recites a removable storage device comprising a
flash memory, a biometric interface, and a processor. The "biometric interface for
receiving, independently of the host device, a request to access the flash memory at the
removable storage device" and the "processor for managing access to the flash
memory, independently of the host device, based on a comparision of the request to the
at least one permission, the comparison being independent, requiring no management

1

by an operating system of the host device, such that if the at least one permission includes a particular access type that matches the access requested in the request, the processor provides such access to the flash memory, and alternatively if the at least one permission does not include a particular access type that matches the access requested in the request, the processor denies such access to the flash memory." Applicants maintain that the proposed combiantion of Gullman, Helland, and Pare fail to teach these elements.

Gullman is directed to a biometric token for authorizing access to a host system. Generally, Gullman teaches a security apparatus that receives a biometric input from a user and compares the received biometric input to a stored template. The security apparatus generates a token based on a determined correlation between the biometric input and the stored template. In one implementation, the security apparatus provides the token to a user, who then provides the generated token to the host system. In another implementation, the security apparatus provides the generated token to the host system. After the host system receives the generated token, the host system determines whether to grant the user access to the host system based on the received token.

In both implementations, *the host system* determines whether to grant a user access to the host system. The cited portions of Gullman do not teach or suggest a removable storage device comprising a biometric interface for receiving, independently of the host device, a request to access a flash memory at the removable storage device. Gullman also does not teach a removable storage device comprising a processor for managing access to the flash memory, independently of the host device, based on a comparision of the request to the at least one permission, the comparison being independent, requiring no management by an operating system of the host device, such that if the at least one permission includes a particular access type that matches the access requested in the request, the processor provides such access to the flash memory, and alternatively if the at least one permission does not include a particular access type that matches the access requested in the request, the processor denies such access to the flash memory. In Gullman, it is the *host system* that determines

2

whether to grant a user access to the resources of the host system based on a received token rather than a processor of a ***removable storage device*** that independently manages an ability of a user access flash memory, <u>requiring no management by an operating system of the host device</u> as in claim 1.

Helland also fails to teach these elements. Helland is directed to declarative and programmatic access control of component-based server application using roles. In the Office Action, the Examiner cites col. 5, line 55 – col. 6, line 5 and col. 6, lines 13-27 of Helland for teaching a universal serial bus, a USB controller, a flash memory, and a flash memory controller. Col. 5, line 55 – Col. 6, line 5 of Helland teach that a server may include components such as a hard drive, magnetic disk drive, optical drive, flash memory cards, and/or Bernoulli cartridges that provide storage for the server. Col. 6, lines 13-27 of Helland teaches that a user may enter commands and other information into a server though devices such as a keyboard and mouse that communicate with the server over a universal serial bus.

As with Gullman, the cited portions of Helland fail to teach a removable storage device comprising a biometric interface for receiving, independently of the host device, a request to access a flash memory at the removable storage device. The cited portions of Helland additionally fail to teach a removable storage device comprising a processor for managing access to the flash memory, independently of the host device, based on a comparision of the request to the at least one permission, the comparison being independent, requiring no management by an operating system of the host device, such that if the at least one permission includes a particular access type that matches the access requested in the request, the processor provides such access to the flash memory, and alternatively if the at least one permission does not include a particular access type that matches the access requested in the request, the processor denies such access to the flash memory. Accordingly, in neither the cited portions of Gullman nor the cited portions of Helland is ***a processor of a removable storage device*** independently determining whether to grant a user access to flash memory of the storage device <u>without management from a host device</u>.

3

Gullman and Helland, alone or in combination, fail to teach a removable storage device comprising "a biometric interface for receiving, independently of the host device, a request to access the flash memory at the removable storage device." Similarly, Gullman and Helland, alone or in combination, fail to teach a removable storage device comprising "a processor for managing access to the flash memory, independently of the host device, based on a comparision of the request to the at least one permission, the comparison being independent, requiring no management by an operating system of the host device, such that if the at least one permission includes a particular access type that matches the access requested in the request, the processor provides such access to the flash memory, and alternatively if the at least one permission does not include a particular access type that matches the access requested in the request, the processor denies such access to the flash memory." Pare is directed to tokenless identification of individuals and also does not teach these elements. For at least this reason, independent claim 1, and any claim that depends on claim 1, is patentable over the combinations of Gullman, Helland, and Pare contemplated by the Examiner.

III.   **Rejection of Claims 51 and 52 Under 35 U.S.C. § 103(a)**

Independent claim 51 generally recites "managing access to the flash memory with a processor of the access control device, independent of the host device, based on a comparison of the request to at least one permission for determining access to the flash memory, the comparison being independent of, and requiring no management by, an operating system of the host device." As explained above in conjunction with claim 1, the proposed combination of Gullman and Helland fail to teach this element. In Gullman, it is the *host system* that determines whether to grant a user access to the resources of the host system based on a received token rather than a processor of an *access control device* that independently manages an ability of a user access flash memory, <u>requiring no management by an operating system of the host device</u> as in claim 51. For at least this reason, independent claim 51, and any claim that depends on claim 51, is patentable over the combination of Gullman and Helland as contemplated by the Examiner.

4

IV.   Rejection of Claim 54 Under 35 U.S.C. § 103(a)

Independent claim 54 generally recites an access control device comprising "a processor for managing access to the flash memory independent of the host device based on a comparison of the request to at least one permission, the comparison being independent of, and requiring no management by an operating system of the host device, such that if the at least one permission includes a particular access type that matches the access requested in the request, the processor provides such access to the flash memory, and alternatively if the at least one permission does not include a particular access type that matches the access requested in the request, the processor denies such access to the flash memory." As explained above in conjunction with claim 1, the proposed combination of Gullman and Helland fail to teach this element. In Gullman, it is the **host system** that determines whether to grant a user access to the resources of the host system based on a received token rather than a processor of an **access control device** that independently manages an ability of a user access flash memory, <u>requiring no management by an operating system of the host device</u> as in claim 54. For at least this reason, independent claim 54 is patentable over the combination of Gullman and Helland as contemplated by the Examiner.

V.   Conclusion

In view of the foregoing remarks, Applicants submit that the pending claims are in condition for allowance. Review of the final rejections is respectfully requested.

Respectfully submitted,

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